

DAVID LOPEZ

August 28, 2018

Hon. Vernon S. Broderick
Judge of the United States District Court
Southern District of New York
40 Center Street
New York, New York 10007

ATTORNEY AT LAW

171 EDGE OF WOODS ROAD
SOUTHAMPTON, NEW YORK 11968

MAILING ADDRESS:
P.O. BOX 323
SOUTHAMPTON, NEW YORK 11969-0323

TELEPHONE (631) 287-5520
FACSIMILE (631) 283-4735
E-MAIL DAVIDLOPEZESQ@AOL.COM

**Re: Letter Motion To Change Case Caption
Avalon Holdings Corporation v. Guy Gentile et al., 18-cv-7291 (VSB)**

Your Honor:

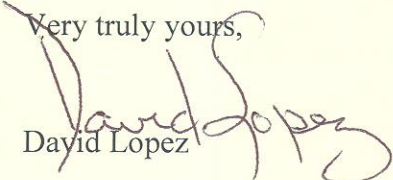
I am one of Plaintiff's counsel and I write to request a direction to the Clerk of the Court to change the case caption in the above-referenced case.

This case, as originally pleaded, named two individuals and "John Does 1 Thru 10". The case was brought under the Williams Act to compel the filing with the Securities & Exchange Commission by the defendants of a Schedule 13D and the John Does were pleaded as participants of unknown identity who conspired with the name defendants in a rapid accumulation of shares of the Plaintiff and an even more rapid disposition. The case also seeks recovery of short-swing profits under Section 16(b) of the Securities Exchange Act.

The named defendants have now made the requested filing which makes moot the Williams Act component of the complaint. Earlier this morning I filed with the Clerk of the Court a Notice of Dismissal as to the John Doe defendants. I contemplate filing an amended complaint eliminating the Williams Act count. The case continues as against the named defendants for recovery of short-swing profits.

As there are no John Doe defendants now nor contemplated for the future I ask that the caption be changed by eliminating the John Does. I should like to file the amended complaint with a corrected caption.

Very truly yours,


David Lopez

Cc: Guy Gentile and MintBroker Int'l
DL/el